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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,131

01/09/2006

Henrik Glent-Madsen

GRP-0096

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23413 7590 11/18/2008
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EXAMINER

LESTER, EVELYN A

ART UNIT

PAPER NUMBER

2873

NOTIFICATION DATE

DELIVERY MODE

11/18/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

Office Action Summary	Application No. 10/526,131	Applicant(s) GLENT-MADSEN ET AL.	
	Examiner Evelyn A. Lester	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,9-21 and 31-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,22-30 and 34-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species III (claims 7, 23-30 and 34-41) in the reply filed on 7-3-08 is acknowledged. Claims 1, 2, 5, 6, 8, 22 and 42-45 were indicated as generic, and will also be examined herein.
2. Claims 3, 4, 9-21 and 31-33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7-3-08.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

4. Claims 24-30, 34-37, 39 and 40 are objected to because of the following informalities: Minor typographical error with respect to the claim dependency. The word "claim" and the number should be spaced. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 23-30, 34-41 and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 23, there is no antecedent basis for "filter mask." The antecedent basis set is for a "mask pattern," not "filter mask." Claims 24-30 and 34-41 depend from claim 23 and therefore considered to be indefinite as well.

With respect to claim 43, at line 3, the introduction of apparent additional spatial light modulator, as recited: "the system comprising at least one spatial light modulator..." is considered confusing because it is unclear whether another "at least one spatial light modulator" should be included or not. Since claim 43 is dependent on claim 1, there is already "at least one spatial light modulator" recited in the claim. This is an apparent duplicate recitation, and therefore, claim 43 is considered to be indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 5-8, 22-30 and 34-45, as far as respective claims are understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Sunagawa (US 2001/0035944 A1).

Sunagawa discloses the claimed invention, as recited in claim 1, of a method of illuminating at least two illumination points (note Figure 1, for example)) by substantially uniform predefined amounts of energy (please note for example at page 1, paragraph [0001], lines 4-7) provided by at least one spatial light modulator, said at least one spatial light modulator comprising a plurality of light modulators (note Figure 2, for example), wherein the method comprising: transmitting the predefined amounts of energy to said at least two illumination points; and at least partly controlling the predefined amounts of energy by varying the number of said light modulators illuminating said at least two points. Please note for example, Figure 2 and its accompanying text.

Sunagawa also discloses the claimed invention, as recited in claim 44, of an illumination arrangement comprising: at least one spatial light modulator (20); and at least one input and output optical system (note for example Figure 1) coupled thereto; wherein said illumination arrangement is capable of illuminating at least two illumination points by substantially uniform predefined amounts of energy (note for example page 1, paragraph [0001]) provided by said at least one spatial light modulator, wherein said at least one spatial light modulator comprises a plurality of light modulators (note for example Fig. 2), wherein the predefined amounts of energy transmitted to said at least two illumination points are at least partly controlled by varying the number of said light modulators illuminating said at least two points. Please note for example Figure 2 and its accompanying text.

Claims 1 and 44 are the only two independent claims.

Regarding dependent claims 2, 5-8, 22-30, 34-43 and claim 45:

With respect to claim 2, wherein said at least one illumination point forms part of a light sensitive medium, please note that Sunagawa is an image exposing device. Also note page 1, paragraphs [0001] to [0002], and [0009].

With respect to claim 5, wherein at least one of the at least two illumination points is illuminated by a set of the light modulators of said at least one spatial light modulator. Please note for example at page 1, paragraph [0011].

With respect to claim 6, wherein the illumination of at least two of the illumination points is obtained by predetermined light modulators. Please note for example at page 1, paragraph [0012] to page 2, paragraph [0014].

With respect to claim 7, wherein the predetermined light modulators form a mask pattern. Please note for example Figure 2 and its accompanying text.

As noted from the Applicant's specification, at page 28, lines 19-25, it is understood that the "mask pattern" is defined as a distribution of blocked light modulators (i.e. micromirrors) over the light modulation layout, and that any distribution of the blocked light modulators is within the scope of the present invention. The resulting patterns may be referred to as filter masks. Therefore, the blocked patterns of light modulators as disclosed by Sunagawa are considered to be "mask patterns."

With respect to claim 8, wherein said amount of energy is substantially the same in each illuminated point, when the illumination is completed. Sunagawa's invention is

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disclosed as being "uniform" which would make each illuminated point substantially the same. Also note for example, at page 2, paragraph [0015].

With respect to claim 22, wherein said light modulators illuminating said at least two points are selected among the light modulators providing highest intensity. Please note for example at page 1, paragraph [0012] to page 2, paragraph [0014].

With respect to claims 23-30 and 34-41, please note for example Figure 2 and its accompanying text; as well as at page 1, paragraph [0012] to page 2, paragraph [0015]; page 3, paragraph [0044]; page 4, paragraph [0047] to page 5, paragraph [0074].

With respect to claim 42, it is understood in the light modulation art that no modulator is perfect, therefore, the spatial light modulator will have "defective" light modulators as a matter of manufacturing difficulties, as compared to the desired "perfect" modulator. Further, it is well understood that defects form over time through use of the spatial light modulator.

With respect to claim 43, please note the above rejection with respect to claim 44.

With respect to claim 45, please note Figure 1 for example, light source 26.

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evelyn A. Lester whose telephone number is (571) 272-2332. The examiner can normally be reached on M-F, subject to an increased flex schedule.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L. Mack can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Evelyn A. Lester/
Primary Examiner, Art Unit 2873

<div>Application Number</div> <div></div>	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/526,131	GLENT-MADSEN ET AL.	
	Examiner	Art Unit	
	Evelyn A. Lester	2873	